

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Teleconference/Webcast Open Meeting of Thursday, May 21, 2020

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Valcq, Commissioner Nowak and Commissioner Huebner.

Minutes

The Commission approved the minutes of the open meeting of Thursday, May 7, 2020.

5-BS-241 - Joint Application of Wisconsin Power and Light Company and the City of Wisconsin Dells for Approval of a Third Transfer Agreement and for Authority to Sell/Buy Certain Electric Distribution Facilities and to Transfer 43 Customers from Wisconsin Power and Light Company to City of Wisconsin Dells

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

1685-CW-102 - Application of the Drummond Sanitary District, as a Water Public Utility, for Authority to Construct an Advanced Metering Infrastructure System (AMI), in the Town of Drummond, Bayfield County, Wisconsin

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

2000-GP-2020 - Florence Utility Commission Gas Supply Plan for the Period Beginning November 1, 2020

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

4220-AU-140 - Application for Northern States Power Company, a Wisconsin Corporation, for Temporary Approval of the Utility Money Pool Agreement with Several of its Affiliates

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

5230-GP-2020 - St. Croix Valley Natural Gas Company Inc. Gas Supply Plan for the Period Beginning November 1, 2020

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

6690-CG-176 - Application of Wisconsin Public Service Corporation, a Natural Gas Public Utility, for Authority to Extend and Replace Natural Gas Distribution Facilities in the Village of Birnamwood Located in Marathon and Shawano Counties, and in the Town of Almon, Shawano County, Wisconsin

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

9300-SI-124 - Complaint of Lake Pepin Campground, LLC against the Village of Pepin Concerning Sewer Rates

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

9300-PLI-105 - Investigation of the Complaint of TC Energy, against Tel-Optic. Referred to the Commission Pursuant to Wis. Stat. § 182.0175(3)(br)2.

The Commission agreed to dismiss the Diggers Hotline referred complaint by joint execution of a consent agreement with Tel-Optic Cable Contracting Services, Inc. (Respondent) that requires the Respondent, within 45 days of the order approving the consent agreement, to attend an educational course under Wis. Stat. § 182.0175(3)(br)4., pay all fees associated therewith, and to pay an initial forfeiture against the Respondent of \$2,000 and to pay the required \$200 surcharge to Diggers Hotline. The consent agreement shall further require that, if the Respondent fails to comply with the consent agreement or has another violation of the one-call system within one year from the date of the Commission's order approving the consent agreement, then the Respondent shall pay an additional forfeiture in the amount of \$8,000 and the required \$800 surcharge to Diggers Hotline.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

6630-CC-225741 - Request for Formal Review of Complaint From Randal J. Gross against Wisconsin Electric Power Company

The Commission denied Mr. Randall Gross' request for a formal review of his complaint against Wisconsin Electric Power Company relating to a backbill for unbilled natural gas.

The Commission directed the Division of Digital Access, Consumer and Environmental Affairs to draft an order consistent with its discussion.

2350-LS-100 - Application of the City of Green Bay, as a Water Public Utility, for Authority to Implement a Financial Assistance Program for Customer-Side Lead Service Line Replacement, in the City of Green Bay, Brown County, Wisconsin

The Commission approved, with conditions, the request of City of Green Bay, as a water public utility (GBWU), for authority to implement a financial assistance program for customer-side lead service line replacement, and made the following preliminary determinations.

1. The Commission found it reasonable to grant GBWU a deferral for program costs with the recovery of such costs to be determined in a conventional rate case.

Commissioner Nowak dissented.

2. The actions described in GBWU's application, as conditioned by the Commission's approval, are not unjust, unreasonable, or unfairly discriminatory. Wis. Stat. § 196.372(3)(e)1.
3. Grants provided as financial assistance under GBWU's program are limited to no more than one-half of the cost to replace the customer-side water service lines. Wis. Stat. § 196.372(3)(e)2.a.
4. Loans provided under GBWU's program will not be forgiven. Wis. Stat. § 196.372(3)(e)2.b.
5. The financial assistance GBWU intends to provide will be the same percentage of the cost of replacing the customer-side water line for each owner in a class of customers. Wis. Stat. § 196.372(3)(e)3.
6. GBWU shall record its program expenses and revenues in subaccounts created in the following manner:
 - a. Grant program: Account 664 subaccount
 - b. Loan program: Account 124 subaccount
 - c. Administrative costs: Account 664 subaccount
7. GBWU shall file with the Commission, as part of its annual report to the Commission, a report of the number of service lines replaced, as well as program expenses and revenues in a manner that is consistent with the prescribed subaccounts described in Item 6.
8. GBWU shall receive approval from the Commission prior to making any significant changes to its financial assistance program.

9. GBWU shall work with Commission staff to develop tariff provisions for the financial assistance program. The tariff provisions authorized in this docket shall take effect no sooner than one day after the day GBWU has: (a) filed these rates and tariff provisions with the Commission; and (b) made them available to the public at locations where customer payments are accepted, on the applicant's website, or in a form and place that is otherwise readily accessible to the public, pursuant to Wis. Stat. § 196.19 and Wis. Admin. Code § PSC 185.33(1) (f). If a copy of the new tariff provisions is not made available to the public when they are filed with the Commission, the new tariff provisions shall take effect one day after the day they are made available to the public.
10. The Final Decision takes effect one day after the date of service.
11. Jurisdiction is retained.

The Commission directed the Division of Water Utility Regulation and Analysis to draft an order consistent with its discussion.

6630-CG-138 - Application of Wisconsin Electric Power Company-Gas Operations, d/b/a We Energies, for Authority to Install Natural Gas Transmission Facilities in the Towns of Brighton, Burlington, Dover, East Troy, La Grange, Lafayette, Lyons, Paris, Sugar Creek, Spring Prairie, Troy, and Yorkville, the Village of Rochester, and the Cities of Burlington and Elkhorn, in Kenosha, Racine, and Walworth Counties, Wisconsin

The Commission reopened the record to accept PSCW Data Request Staff-Vbl 051320-1 ([PSC REF#: 389476](#)). Parties shall have until Friday, May 29, 2020 to rebut or offer countervailing evidence. The Commission directed the Division of Energy Regulation and Analysis draft an order to reopen consistent with its discussion,

The Commission considered the application of Wisconsin Electric Power Company-Gas Operations (applicant) for authority to install natural gas transmission facilities in the Towns of Brighton, Burlington, Dover, East Troy, La Grange, Lafayette, Lyons, Paris, Sugar Creek, Spring Prairie, Troy, and Yorkville, the Village of Rochester, and the Cities of Burlington and Elkhorn, in Kenosha, Racine, and Walworth Counties, Wisconsin (project) and made the following determinations.

1. The Commission accepted the uncontested alternatives for Issues 4, 7 and 8 identified in the final decision matrix ([PSC REF#: 389201](#)).
2. The project, if constructed, will meet the requirements of Wis. Stat. § 196.49(3)(b) and Wis. Admin. Code ch. PSC 133.

3. The Commission has considered the priorities set forth in Wis. Stat. § 1.12(4) and finds that there are no cost-effective and technically feasible alternatives to the project.
4. The Commission selected route A-R2 with the route options in the Updated Route Application identified with the suffix “-A”.
5. In addition to the uncontested general conditions, the following project-specific conditions are necessary for approval of the proposed project.
 - a. Applicant shall work with landowners to site all new aboveground facilities and access roads to minimize impacts to actively farmed lands.
 - b. Applicant shall use a dedicated Agricultural Inspector that is familiar with agricultural practices and gas pipeline construction who shall assist with pre-construction discussions, conduct inspections of construction activities in ag lands, monitor the implementation of the project specific Agricultural Mitigation Practices and Best Management Practices, share periodic construction reports with the Department of Agriculture, Trade and Consumer Protection, and conduct field reviews for the listed three-lift soil candidates.
 - c. Applicant shall inform agricultural property owners who have potential three-lift candidate soils on their land and how three-lift soil handling could preserve the productivity of their fields.
 - d. Applicant shall work with organic farms and their certifying entities prior to construction to determine site-specific construction practices that would protect organic practices. Specifically, applicant shall address the issues of cleaning construction equipment before entering certified organic land, the application or potential release of any prohibited materials, soil management, erosion control, and weed control. Additionally, applicant shall not apply seed to organic land without approval from the operator and compensate the operator for any damages if decertification results from pipeline construction or restoration activities.

Commissioner Nowak dissented and would not have included this condition.

- e. Applicant shall work with owners who participate in the Conservation Reserve Program (CRP) or the Conservation Reserve Enhancement Program (CREP) to minimize impacts to their participation in these or similar programs.

- f. Where practicable, applicant shall work with farmers so that impacts from the project to their drain tiling and drainage systems are minimized.
- g. Applicant shall make reasonable efforts to ensure that any renters of project-affected agricultural land are kept up-to-date and informed of construction schedules and potential impacts, and work with property owners and renters to minimize construction impacts to farming operations and infrastructure.

Commissioner Nowak dissented and would have modified this condition.

- h. The Commission determined it was not reasonable to impose a condition stating: “Where construction activities alter the natural stratification of soils resulting in new wet areas, WE-GO shall work with the landowner to determine the means to return the land to pre-construction function. This could include remedies such as new drainage tiles, regrading, or additional fill.”

Commissioner Huebner dissented and would have included such a condition with modifications.

- i. When the project requires the removal of trees, applicant shall hire appraisers who have expertise in valuing trees, including immature trees that have not yet reached a marketable stage. Compensation should include the other impacts from tree removal including damage to windbreaks, loss of shade or other needs for livestock, loss of fruit or nut bearing trees, and the loss of aesthetics to the property.

Commissioner Nowak dissented and would have modified this condition.

- j. Applicant shall compensate farmers for construction activities that create off-right-of-way (ROW) impacts, such as the division of fields and the limited maneuverability of farm equipment that may make portions of farm fields impractical to farm.
- k. Applicant shall meet with Commission and Department of Natural Resources (DNR) staff once project designs and construction plans are complete and prior to construction in order to review planned actions and ensure their compliance with permit and order conditions. The plans shall be provided to staff before the meeting to allow time for review.

Commissioner Nowak dissented and would have modified this condition.

6. The Commission authorized the minor route adjustment process proposed by the applicant as summarized in Issue 6 of the final decision matrix.
7. The Commission granted, with conditions, a Certificate of Authority for the project.

The Commission directed the Division of Energy Regulation and Analysis to draft an order consistent with its discussion.

The Commission adjourned the meeting at 11:51 a.m.

A handwritten signature in black ink, reading "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

DL:01735203